



Key points for the introduction of post-shipment controls for German arms exports

As from 8 July 2015, the Federal Government is introducing an instrument for performing selective post-shipment controls for future deliveries to third countries of war weapons and specific types of firearms to supplement the strict application, stipulated in the coalition agreement, of the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment in 2000. The Federal Government shall, before the end of this year, supplement the Foreign Trade and Payments Ordinance accordingly on the basis of the key points below. The objective is to improve the guarantees governing end use for military goods exported from Germany. The new system of post-shipment controls centres around the following key points:

- Post-shipment controls shall initially be carried out within the framework of pilot checks. A standardised procedure shall then be developed in an interministerial process for the checks to be performed in any given year.
- The controls shall be introduced on the basis of end-use certificates in which the foreign state recipients grant Germany the right to perform on-the-spot checks. Third countries as defined by the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment shall be required to submit such end-use certificates.
- The goods to be inspected shall comprise all war weapons and specific types of firearms (pistols, revolvers and sniper rifles) that are destined for state recipients. Of the listed war weapons, the only exceptions are components or assemblies that are to be incorporated into weapons systems abroad.
- The purpose of the controls is to inspect whether the weapons supplied are still present in the recipient country and in the possession of the end-user specified by the end-use certificate. A visual inspection is usually sufficient for this purpose. Random checks shall be made for inspections of large quantities of arms.
- If non-compliance with the end-user certificate is ascertained or on-the-spot checks are refused despite consent given in the end-use certificate, the end-user shall face the consequences set out in Section IV (4) of the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment in 2000.
- In accordance with the Federal Government's organisation of responsibilities, the Federal Office for Economic Affairs and Export Control and the respective mission abroad shall be tasked with the preparation and performance of post-shipment controls.
- The funds required for preparing and performing the post-shipment controls (expenditure and personnel requirements) shall be provided from the budgets available to the relevant ministries.
- The Federal Foreign Office shall inform the affected third countries as to the introduction of post-shipment controls.
- The competitiveness of German industry and armaments cooperation with third countries must not be compromised by the post-shipment controls system.

- Germany shall address the system of post-shipment controls at the EU level in order to align national arms export guidelines in the EU in accordance with the aims set out in the coalition agreement. Moreover, the Federal Foreign Office shall advocate the introduction of comparable controls on the part of their partners in the EU and NATO.
- The Federal Ministry for Economic Affairs and Energy shall inform the affected German companies about the new system of post-shipment controls and the resulting additional requirements for the end-use certificate.
- The following conditions must first be met in order to ensure the proper functioning of the system of post-shipment controls:
 - Amendment to the Foreign Trade and Payments Ordinance
 - Receipt of export authorisation applications for third countries with an end-use certificate in which the recipient country consents to later on-the-spot checks
 - Information on weapons actually exported to third countries that have consented to an inspection of this nature
 - Determining the third country to be inspected that has received a relevant delivery
 - Performing the inspection
- The instrument shall be evaluated two years after the performance of the first on-the-spot check.